

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-14 are currently pending. Claims 1 and 11 are independent. Claims 1, 2, 5-7, 10, 13 and 14 are hereby amended to correct minor typographical and syntax issues. No new matter has been introduced by this amendment. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

The Abstract is hereby amended, thereby obviating the objection.

II. REJECTIONS UNDER 35 U.S.C. §102(b) AND 35 U.S.C. §103(a)

Claims 1-9 and 11-14 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,963,185 to Takenaka et al. (hereinafter, merely “Takenaka”). Claim 10 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Takenaka in view of U.S. Patent No. 6,832,132 to Ishida et al. (hereinafter, merely “Ishida”).

III. RESPONSE TO REJECTIONS

Applicants submit that Takenaka is not prior art to the present application. The present application has an effective filing date of March 13, 2003 (JAPAN P2003-067769) and March 14, 2003 (JAPAN P2003-070721) both of which are prior to Takenaka’s PCT filing date

of April 28, 2003 and Takenaka's 371 date of October 13, 2004. Therefore, Takenaka is not a valid basis of rejection.

Furthermore, Ishida is disqualified as §103 prior art to the present application under the provisions of 35 U.S.C. §103(c). Under the provisions of 35 U.S.C. §103(c), as amended on November 29, 1999, subject matter developed by another person, which qualifies as prior art only under one of more of subsections (e), (f) and (g) of 35 U.S.C. §102, shall not preclude patentability under §103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person or organization.

Ishida and the present application were, at the time the present invention was made, subject to an obligation of assignment to the same organization, i.e., Sony Corporation. Such obligation is evidenced by the recording of assignment documents in the U.S. Patent and Trademark Office.

Accordingly, Ishida is disqualified as prior art in a rejection under 35 U.S.C. §103(a); and thus all of the outstanding rejections based upon Ishida in the above-noted Office Action are overcome.

Moreover, the parent of Ishida, U.S. Patent No. 6,580,969 ("the '969 Patent") is also disqualified under 103(c) since the '969 Patent published on June 17, 2003, which is after the effective filing date of March 13, 2003 and March 14, 2003 of the present application.

Therefore, Applicants respectfully submit that claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claim 11 is also patentable.

IV. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims discussed above, and are therefore patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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